

BARRY J. PORTMAN
Federal Public Defender
NICHOLAS P. HUMY
Assistant Federal Public Defender
160 West Santa Clara Street, Suite 575
San Jose, CA 95113
Telephone: (408) 291-7753
Counsel for Defendant OU

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR-08-00472 JF
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING HEARING DATE
vs.)	AND EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT
YONG YI OU,)	
)	
Defendant.)	
_____)	

STIPULATION

Defendant Yong Yi Ou, by and through Assistant Federal Public Defender Nicholas Humy, and the United States, by and through Assistant United States Attorney Susan Knight, hereby stipulate that, with the Court's approval, the status hearing currently set for Wednesday, November 18, 2009, shall be continued to Wednesday, January 20, 2010, at 9:00 a.m.

The reason for the requested continuance is that the parties have been unable to schedule a settlement conference, due to the medical treatment schedule of defense counsel.

The parties agree that the time between November 18, 2009, and January 20, 2010, is excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for continuity of counsel and effective preparation by defense counsel.

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1 IT IS SO STIPULATED.

2 Dated: October 30, 2009

3 _____
4 /s/
NICHOLAS P. HUMY
Assistant Federal Public Defender

5 Dated: October 30, 2009

6 _____
7 /s/
SUSAN KNIGHT
Assistant United States Attorney

8 [PROPOSED] **ORDER**

9 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
10 ORDERED that the status hearing shall be continued from Wednesday, November 18, 2009, to
11 Wednesday, January 20, 2010.

12 THE COURT FINDS that failing to exclude the time between November 18, 2009, and
13 January 20, 2010, would unreasonably deny the defendant's continuity of counsel, and would
14 unreasonably deny counsel the reasonable time necessary for effective preparation, taking into
15 account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

16 THE COURT FURTHER FINDS that the ends of justice served by excluding the time
17 between November 18, 2009, and January 20, 2010, from computation under the Speedy Trial
18 Act outweigh the interests of the public and the defendant in a speedy trial.

19 THEREFORE, IT IS HEREBY ORDERED that the time between November 18, 2009,
20 and January 20, 2010, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C.
21 § 3161(h)(7)(A) and (B)(iv).

22 IT IS SO ORDERED.

23 Dated: 11/4/09

24 
25 The Honorable Jeremy Fogel
United States District Court